

*[Parties and counsel listed on signature page.]*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

People of the State of California, et al.

v.

Meta Platforms, Inc.; Instagram, LLC; Meta  
Payments, Inc.; Meta Platforms Technologies,  
LLC,

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY  
PRODUCTS LIABILITY LITIGATION THIS  
DOCUMENT RELATES TO:

4:23-cv-05448.

MDL No. 3047

Case Nos. 4:22-md-03047-YGR-PHK  
4:23-cv-05448-YGR

**STATE ATTORNEYS GENERAL'S  
OPPOSITION TO META'S  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE MOTION FOR  
DISCOVERY SANCTIONS BEFORE  
MAGISTRATE JUDGE KANG AND TO  
SET BRIEFING SCHEDULE**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Meta's request to litigate discovery sanctions immediately – while well over 100 agencies within more than two-dozen states are exhaustively working in good faith to review millions of documents and produce documents expeditiously – is unproductive, unnecessary, and inequitable. It runs counter to the Court's repeated instructions to "get it done," in reference to state agency discovery disputes, and it will not move discovery or the case forward.

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1 At the last Discovery Management Conference, “[t]he Court provided detailed guidance to  
2 Meta and the agencies as to how to expedite this process and keep the overall case schedule on  
3 track.” ECF No. 1479, at 19. The Court informed Meta that it had the right to file a Rule 37  
4 motion, but now was not the time to do so. Hr’g Tr. at 112:11-25, 113: 1-5 (Dec. 11, 2024) (“And  
5 so in the spirit of, you know, hope springs eternal that you can all work things out without having  
6 to get to the point where you file a motion under Rule 37 or otherwise – all right? – let’s try to get  
7 there before we pull that trigger.”). The Court reached that determination because it found the  
8 State AGs were trying to make progress. Hr’g Tr. at 112:15-20 (“... I’m dealing with these as a  
9 category is these appear, at least to me from what I’m hearing, to be counsel and the agencies that  
10 are trying -- at least sound like they are trying to work things out with you.”). The Court’s  
11 Discovery Management Order issued today further emphasized the same: “The Court repeats its  
12 admonitions to the Parties that they are expected to work collaboratively to get this discovery  
13 completed timely.” ECF No. 1479, at 13. “The Parties should focus on finalizing search terms and  
14 hit reports and getting the documents by running those search terms.” *Id.*, at 19-20.

15 The State AGs are, indeed, trying to “work things out.” Since December 11, negotiations  
16 over search terms have continued (despite Meta’s insistence on overbroad search terms, like  
17 “concern” and “presentation”), some agreements have been reached, agencies have provided hit  
18 count reports as much as technologically possible, State AGs and Meta exchanged production  
19 schedules that were jointly filed (ECF No. 1472), and today the parties will be submitting an  
20 agreed-upon, narrowed and streamlined filing that makes the competing search term proposals,  
21 and not lengthy argument, the focus of the submission (despite Meta proposing to add new  
22 custodians for the first time today). *See* ECF No. 1475 (limiting argument to five sentences per  
23 side). Meta’s effort to suggest otherwise is wrong and misleading. The administrative motion  
24 claims that at least one agency from 15 states failed to provide a hit report by Monday, December  
25 16. ECF No. 1471, at 2. Meta omits the facts that of those 15: four have reached agreement with  
26 Meta; one is in the process of dismissing its claims; and the remaining faced technological  
27 impediments but remain actively engaged in working things out. Nevertheless, Meta, in  
28 contravention of this progress and the Court’s recent guidance, is insisting that its sanctions

1 motion be heard immediately. The Court should deny Meta’s request and allow the parties to  
2 continue working on resolving their disputes.

3 Litigating sanctions presently is necessarily counterproductive to completing the  
4 discovery sought. The state agencies and State AGs have limited resources to conduct the  
5 extensive work needed to review the extremely broad scope of documents Meta requests be  
6 reviewed. Meta provides no grounds for diverting those resources to litigate sanctions, failing to  
7 even identify the specific sanctions it seeks as to each specific entity. Accordingly, there is no  
8 basis to grant Meta the leave sought, and Meta’s request runs counter to the Court’s guidelines –  
9 oft repeated – that parties conduct discovery efficiently. *See, e.g.,* U.S. District Court for the  
10 Northern District of California, *Guidelines for Professional Conduct*, 9 (“A lawyer should  
11 conduct discovery in a manner designed to ensure the timely, efficient, cost effective and just  
12 resolution of a dispute.”).

13 In addition to being unproductive and unnecessary, Meta’s request for leave to file a  
14 sanctions motion is also inequitable because it attempts to force briefing over the holidays.  
15 Notably, Meta would not bear much, if any, of the burden of briefing within that timeline because  
16 under its proposal it will submit its brief on December 23 with a reply due January 10. That  
17 leaves the State AGs with just five business days to mount their defenses by January 3. Counsel  
18 for Meta explained the abrupt timing of its request and requested briefing schedule as  
19 necessitated, in part, by its client’s unavailability over the holidays. One is left with the  
20 impression then that Meta’s request is a sharp tactic designed to pressure resource-constrained  
21 state agencies and government employees already facing the burdens of Meta’s extremely broad,  
22 untethered discovery requests. As Meta’s motion notes, four State AGs have dismissed their  
23 claims since this Court’s September 6, 2024 ruling that non-party state agencies could be treated  
24 as parties for Meta’s document requests. Meta is weaponizing discovery and employing the threat  
25 of sanctions as a cudgel—not to obtain facts, but to impose costs and burdens and preclude a  
26 timely resolution of this multistate enforcement action on the merits. *See, e.g., Calcor Space*  
27 *Facility, Inc. v. Superior Ct.*, 53 Cal. App. 4th 216, 221 (Cal. Ct. App. 1997) as modified (Mar. 7,  
28 1997) (“Courts must insist discovery devices be used as tools to facilitate litigation rather than as

1 weapons to wage litigation. These tools should be well calibrated; the lancet is to be preferred  
 2 over the sledge hammer.”). The request to use discovery and judicial proceedings this way –  
 3 especially while State AG and agency counsel are working to review and produce documents to  
 4 Meta – is unwarranted and must be denied.

5 The State AGs and the relevant state agencies will continue to work to produce documents  
 6 responsive to Meta’s requests, and the record of all parties’ compliance with their discovery  
 7 obligations will be available should any party need to seek sanctions at an appropriate time and in  
 8 an appropriate manner. However, Meta’s request does not seek to litigate sanctions at an  
 9 appropriate time or in an appropriate manner, and is otherwise unjustified. Therefore, the  
 10 administrative motion should be denied.

11  
 12  
 13 Dated: December 20, 2024

Respectfully submitted,

14  
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**ATTESTATION**

I, Brendan Ruddy, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: December 20, 2024

By: /s/ Brendan Ruddy